

REMARKS

Claims 1-14 are pending in the application. Claims 1- 14 stand rejected in the referenced office action.

Claims 1, 5, 8 and 11 are independent claims. Independent claim 1 has been amended to correct an antecedent problem. No new matter has been added by the amendments. The Examiner's objections and rejections are addressed below in substantially the same order as in the office action.

CLAIM OBJECTIONS

The Examiner has objected to claim 1 as lacking an antecedent to "the swimsuit body". Claim 1 has been amended to address the Examiner's objection.

REJECTIONS UNDER 35 USC § 102

Claims 1, 2, 5-7 and 11-12 are rejected under 35 USC § 102(b) as being anticipated by Holland (US 5,991,920). Claims 1 and 5 are independent claims,

The Applicant respectfully disagrees with the Examiner's assertion that claim 1 is anticipated by *Holland*.

The Applicant's arguments in the response filed on December 12, 2005 pointed out internal contradictions in the Examiner's office action of August 10, 2005. In an attempt to address this contradiction, the Examiner has now completely rewritten the

rejection by redefining the claim limitation and the prior art elements in an erroneous manner. Relevant portions of the paragraph are quoted here in full:

"In regard to Claims 1 and 2, Holland provides a swimsuit (1) having a loop (3) adapted to completely encircle a human waist. A fastening device (7) which couples a first part of the swimsuit body (4) to a second part of the swimsuit body (8). A storage compartment (2) on the swimsuit body (4) for compactly stowing the body (4). The loop (3) is positioned relative to the swimsuit body (4) so that when the fastening device (10, 10a) is engaged the swimsuit (1) can be secured on a user's body." (emphasis added).

Applicant notes that with respect to the highlighted portion, the first part of the swimsuit body (4) in *Holland* is coupled to the element (8) which is part of the belt (3). See col. 2 lines 47-49 of *Holland*. This is not part of the swimsuit body.

In order for a claimed invention to be anticipated by a prior art reference under 35 USC § 102, the prior art reference must disclose each and every limitation of the claim arranged as in the claim. This is clearly lacking in the present case. Accordingly, applicant respectfully submits that claim 1 and claims 2-4 that depend upon claim 1 are patentable under 35 USC § 102 over *Holland*.

In addition, there is no teaching or suggestion in *Holland* or the prior art of record of having a swimsuit that includes a fastening device that couples one part of a swimsuit body to another part of the swimsuit body, together with the remaining limitations of

claim 1. Accordingly, applicant further submits that claim 1 and claims 2-4 that depend upon claim 1 are also patentable under 35 USC § 103 over *Holland* and the prior art of record.

Claim 5 includes the substantive limitations of claim 1 discussed above. The Examiner states that:

"*Holland* provides a method of removing a swimsuite body (4) that is separable at one point by a fastening device (7) while leaving the swimsuit loop (3) attached to a human body. Decoupling the fastening device (7) on a body of the swimsuit (1) and separating a first part of the body of the swimsuit (4) from a second part of the body of the swimsuit (8), compacting the body of the swimsuit (4) into a small space and storing the compacted body of the swimsuit using at least one storage compartment on the body of the swimsuit (4)."

Applicant notes that the first highlighted portion is **not part of claim 5**. It is further noted that element (8) of *Holland* is **not part of the body of the swimsuit—it is a fastener on the loop (3).**

Accordingly, applicant further submits that claim 5 and claims 6-7 that depend upon claim 5 are patentable under 35 USC §§ 102-103 over *Holland* and the prior art of record for the same reasons that claim 1 is patentable under 35 USC §§ 102-103 over *Holland* and the prior art of record.

Claim 11 requires that the front end of the body have a width greater than the rear end of the body. It is clear from Fig. 1 of *Holland* that it is the rear end that is broader than the front end. Claim 11 further requires that the rear end by detachably coupled to the loop. It is clear from Fig. 1 of *Holland* that it is the front end of the body that is detachably coupled to the loop. To turn things around by interchanging the front and the rear as the Examiner is attempting to do would result in an inoperable invention.

In order to sustain a rejection under 35 USC § 102, a single prior art reference must disclose each and every limitation of the claimed invention arranged as in the claim. This requirement is clearly not met in the present instance. Accordingly, claim 11 and claims 12-14 that depend upon claim 11 are patentable under 35 USC §102 over *Holland*.

In addition, there is no teaching or suggestion in *Holland* of the particular limitations of claim 11 discussed above. Accordingly, claim 11 and claims 12-14 are also patentable under 35 USC §103 over *Holland*.

REJECTIONS UNDER 35 USC § 103

Claims 3, 4, and 13-14 are rejected under 35 USC § 103(a) as being unpatentable over *Holland*.

The patentability of claims 3 and 4 has been addressed above in the discussion of the rejection of claim 1 under 35 USC § 102.

The patentability of claims 13 and 14 has been addressed above in the discussion of the rejection of claim 11 under 35 USC §102.

Claims 8-11 stand rejected under 35 USC §103 over *Holland* in view of *Ortmeier* (US6018823). Claim 8 is an independent claim.

Claim 8 is directed towards a *method* of making a swimsuit. Applicant notes that neither *Holland* nor *Ortmeier* teaches a method of making a garment. Accordingly, applicant respectfully submits that claim 8 and claims 9-11 that depend upon claim 8 are patentable under 35 USC § 103 over *Holland* in view of *Ortmeier* and the prior art of record.

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 13-0010 (HOL-1002CP).

Respectfully submitted,

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